HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO: 21101 of 2007

Dated: 06-10-2007

Between:

Yerram Bala Krishna

..... PETIT

AND

Government of Andhra Pradesh,
Rep., by its Secretary,
Revenue Department,
Secretariat, Hyderabad and 2 others.

.....RESPONI

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 21101 of 2007

O R D E R:

This writ petition is filed for a writ of Mandamus to declare the action of the respondents in interfering with the petitioner's possession and enjoyment of the lands covered by Sy.Nos.70 and 70A admeasuring Ac.6.11 and Ac.5.30 cents respectively situated in Bommalaramaram Village and Mandal, Bhongir Revenue Division, Nalgonda District as illegal and arbitrary.

The petitioner claims to have purchased two different parcels of land admeasuring Ac.6.11 cents and Ac.5.30 cents in Sy.Nos.70 and 70A respectively of Bommalaramaram Village. On 15-03-2007 respondent No.2 issued a notice under Section 3(2) of Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act') calling upon the petitioner to file his explanation as to why the land in his occupation shall not be resumed on the ground that he purchased assigned lands. On 09-04-2007, the petitioner submitted his reply. According to the petitioner, respondent No.2 has not passed any final order in pursuance of his notice, dated 15-03-2007, but he along with officials of respondents 3 and villagers have been coming frequently threatening him to vacate the land.

On the petitioner's own showing, so far, no final order has been passed by respondent No.2, under Section 3 of the Act. Except making a vague assertion that officials of respondent Nos.2 and 3 are frequently threatening the petitioner, no details in that regard have been given by the petitioner in his affidavit. The petitioner has not given any notice to respondent Nos.2 and 3 before filing this writ petition calling upon them not to interfere with his possession and enjoyment of the land without following due process of law.

I am, therefore, unable to appreciate the bald assertion made by the petitioner without any supporting material that without passing an order, respondent No.2 has been interfering along with the officials of respondent No.3 and villagers.

The writ petition is, therefore, liable to be dismissed. However, it is made clear that respondent No.2 shall not interfere with the petitioner's

possession of the land unless he passes a final order resuming the land in pursuance of the notice dated

15-03-2003 issued by him. No costs.

C.V.NAGARJUNA REDDY,J

Date: 06-10-2007

KLP